



**Temporary Policy to Have the Village Manager Submit all Administrative
Permit Requests to the Board of Managers for Comment
Before a Building Permit and License for Private Improvements
in the Village's Public Rights-Of-Way are Issued**

RECITALS

1. Chevy Chase Village is an incorporated municipality established pursuant to Article XI-E of the Maryland Constitution.
2. Article 23A, Section 2(a) of the Maryland Code, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, and to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and
3. Section 77-14 of the Chevy Chase Village Charter authorizes the Chevy Chase Village Board of Managers to pass ordinances as it may deem necessary for the health, safety or welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger and destruction; and for the suppression and abatement of nuisances; and
4. Article 28, Section 8.115.1 of the Maryland Code authorizes municipal corporations in Montgomery County, such as Chevy Chase Village, to regulate the construction,

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- repair, erection or remodeling of buildings or other structures as it relates to fences, walls, hedges and similar barriers; and
5. Chevy Chase Village possesses a special character which includes, but is not limited to, open vistas along streets and sidewalks; and
 6. the Chevy Chase Village Board of Managers has determined that fences, walls, hedges, shrubbery and trees erected or planted in the public right of way may have a negative impact on the public health, safety and welfare; and
 7. the Board of Managers has deemed it necessary to evaluate whether the Village Code controlling the issuance of Licenses regulating the construction of structures, fences and walls and the planting of hedges, shrubbery and trees in the public right of way should be amended; and
 8. the continued administrative review of applications for the construction of structures, fences and walls in the public right of way and the planting of hedges, shrubbery and trees in the public right of way will cause further erosion of the Village's special character and could exacerbate the negative and injurious impact these installations may have on the Village; and
 9. the Board of Managers finds that temporarily have the village Manager submit all administrative applications for permits and licenses for the construction of structures, fences and walls and the planting of hedges, shrubbery, trees and other work in a public right of way to the Board of Managers for comment before a Building Permit and License is issued is necessary to ensure the evaluation process is not undermined.

Now, therefore, it is ordered on this ____ day of December, 2010, by the Chevy Chase Village Board of Managers that acting under and by virtue of the authority given it by the

Act of Legislature approved March 28, 1951, and Acts subsequent thereto, Article 23A of the Maryland Code, and the Chevy Chase Village Charter that:

1. Recitals. The recitals set forth above are incorporated in this Ordinance as the findings of the Board of Managers.
2. Temporary Policy. A temporary policy is hereby ordered on the administrative processing of Building Permit Applications and Licenses to Use the Public Right-of-Way to construct and install structures, fences and walls and the planting of hedges, shrubbery and trees in the public right of way, and the Village Manager is hereby directed to submit all applications to the Board of Managers for the foregoing installations, but that all such applications, including all related paperwork, must be transmitted to the Board of Managers for its review and comment.
3. Term. This policy shall become effective immediately upon its passage and shall remain in effect until repealed by consent of the Board of Managers.

David L. Winstead, Chairman
Chevy Chase Village Board of Managers

ATTEST:

Peter M. Yeo, Secretary

DATED: _____

